

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID SPEAR,**

*Plaintiff,*

v.

**OPTIMAL STRATEGIX GROUP, INC. et  
al.,**

*Defendants.*

**Case No. 2:23-cv-03361-JDW**

**ORDER**

**AND NOW**, this 16th day of April, 2025, upon consideration of Plaintiff David Spear's Petition For Approval Of Attorneys' Fees And Costs (*see* ECF No. 41) and for the reasons stated in the accompanying Memorandum, it is **ORDERED** as follows.

1. Counsel for Mr. Spear shall make the following adjustments to their hours and file their revised calculations for Ms. McElroy and Mr. Newman, respectively:

- a. Both attorneys shall subtract travel time to and from Philadelphia;
- b. Whichever attorney did not defend or depose the witness during the depositions that occurred on February 20, 2024, and April 30, 2024, shall subtract the deposition time from his or her hours; and
- c. Ms. McElroy shall subtract 0.5 hours to account for the duplicate entry on January 29, 2024, if she has not already done so.

2. The Parties shall meet and confer about the remaining hours and submit a revised calculation of the number of hours at issue for each timekeeper in the fee petition on or before April 23, 2025

3. Counsel for Mr. Spear shall subtract any travel expenses (hotel lodging, meals, etc.) from their total costs and submit their revised cost calculation to the Court on or before April 23, 2025.

4. The Parties shall appear for a hearing on April 30, 2025, at 2:00 p.m. ET, in Courtroom 12B, at the United States District Court, 601 Market Street, Philadelphia, PA 19106, so that I may determine the reasonable hourly rates for Ms. McElroy, Mr. Newman, and Ms. Rossi.

**BY THE COURT:**

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.